

Chinese hamsters dosed orally at 5,000 mg/kg; and tests for other genotoxic effects, negative for unscheduled DNA synthesis in rat hepatocytes up to cytotoxic levels.

8. In a general metabolism study using rats fed diets containing radio-labelled prometryn, prometryn was extensively metabolized with less than 2 percent of the recovered ¹⁴C radioactivity representing the parent compound. Prometryn is excreted predominately in the urine and feces.

The Reference Dose (RfD) for prometryn is established at 0.04 mg/kg of body weight (bw)/day, based on a NOEL of 3.75 mg/kg/day from the 2-year feeding study in dogs and an uncertainty factor of 100. The Theoretical Maximum Residue Contribution (TMRC) from established tolerances and the current action is estimated at 0.000181 mg/kg of body weight/day and utilizes less than 1 percent of the RfD for the U.S. population. The most highly exposed subgroup (children of ages 1 through 6 years) will be exposed to less than 1 percent of the RfD from existing uses and the proposed use on parsley.

An acute dietary exposure analysis was conducted for prometryn based on a NOEL of 12 mg/kg/day from the rabbit developmental toxicity study. In the analysis, tolerance level residues were used to calculate the high-end exposure for females older than 13 years, which approximates women of child-bearing age. High-end dietary exposure was compared to the NOEL of 12 mg/kg/day to obtain a high-end Margin of Exposure (MOE) of 10,000. The Agency concludes there is no acute dietary concern for prometryn at this time.

The nature of residue in plants is adequately understood for the purposes of the proposed tolerance. An adequate analytical method, gas chromatography, is available for enforcement purposes. The analytical method for enforcing this tolerance has been published in the Pesticide Analytical Manual, Vol. II (PAM II).

There is no reasonable expectation that secondary residues will occur in milk, eggs, or meat of livestock and poultry, since there are no livestock feed items associated with this action.

There are currently no actions pending against the continued registration of this chemical.

Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 6E3460/P597]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 30, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.222, paragraph (b) is amended in the table therein by adding and alphabetically inserting a new entry, to read as follows:

§ 180.222 Prometryn; tolerances for residues.

| * * * * * | | | | |
|---------------|--|--|--|-------------------|
| (b) * * * * | | | | |
| Commodity | | | | Parts per million |
| * * * * * | | | | |
| Parsley | | | | 0.1 |

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40 CFR Part 300

[FRL-5154-4]

National Oil and Hazardous Substances Contingency Plan; The National Priorities List Update

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete the Cemetery Dump site, Rose Township, Michigan from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region V announces its intent to delete the Cemetery Dump site, Rose Township, Michigan from the National Priorities List (NPL) and requests public comment. The NPL is Appendix B to the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by EPA, because it has been determined that all Fund-

financed response under CERCLA has been implemented, and EPA, in consultation with the State of Michigan, has determined that no further cleanup is appropriate. Moreover, EPA and the State have determined that remedial activities conducted at the site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of the site from the NPL may be submitted until March 17, 1995.

ADDRESSES: Comments may be mailed to Matt Mankowski (HSRW-6J) Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604. The comprehensive information on the site is available at the local information repository located at: the Holly Township Library, 1116 N. Saginaw, Holly, Michigan. Requests for comprehensive copies of documents should be directed formally to the appropriate Regional Docket Office. The address for the Regional Docket Office is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

FOR FURTHER INFORMATION CONTACT: Matt Mankowski (HSRW-6J) Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-1842; or Heidi Valetkevitch (P-19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-1303.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The U.S. Environmental Protection Agency (EPA) Region V announces its intent to delete the Cemetery Dump site from the National Priorities List (NPL), Appendix B to the National Oil and Hazardous Substances Contingency Plan, 40 CFR Part 300 (NCP), and requests comments on the deletion. The EPA identifies sites which appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Superfund (Fund) Fund-Financed remedial actions. Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for additional Fund-financed remedial actions in the unlikely event

that conditions at the site warrant such action.

The EPA will accept comments on this proposal for 30 days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider, in consultation with the State, whether any of the following criteria have been met:

- (i) Responsible parties or other persons have implemented all appropriate response actions required;
- (ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate;

- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Before EPA can delete a site from the NPL, the state in which the site was located must concur on the proposed deletion. EPA shall provide the state 30 working days for review of the deletion notice prior to its publication in the **Federal Register**.

As noted above, deletion of a site from the NPL does not preclude eligibility for subsequent additional Fund-financed actions if future site conditions warrant such actions.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

III. Deletion Procedures

Upon determination that at least one of the criteria described in 300.425(e) has been met, EPA may formally begin deletion procedures. This **Federal Register** notice, and a concurrent notice in the local newspaper in the vicinity of the site, announce the initiation of a 30-day comment period. The public is asked to comment on EPA's intention to

delete the site from the NPL. All critical documents needed to evaluate EPA's decision are generally included in the information repository and the deletion docket.

Upon completion of the public comment period, the EPA Regional Office will, if necessary prepare a Responsiveness Summary to evaluate and address concerns which were raised. The public is welcome to contact the EPA Regional Office to obtain a copy of this responsiveness summary, when available. If EPA still determines that the deletion from the NPL is appropriate, final notice of deletion will be published in the **Federal Register**.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for intending to delete the site from the NPL.

The Cemetery site is located in the NE 1/4 of Section 27 (T4N, R7E), Rose Township, Oakland County, Michigan. The 4-acre site is located on Rose Center (or Milford) Road and is a former sand and gravel pit in which a large number of drums were buried within an approximate 2-acre area on the site.

The site was placed on the National Priorities List (NPL) in 1982. The Michigan Department of Natural Resources (MDNR) entered into a Cooperative Agreement (CA) with the United States Environmental Protection Agency (USEPA) in May, 1984 to conduct a Remedial Investigation/Feasibility Study (RI/FS). The Record of Decision (ROD) was signed on September 11, 1985. The September 1985 ROD recommended a Remedial Action (RA) that included the excavation of approximately 250 drums and disposal at an approved off-site landfill. The RA for the Cemetery site was completed on November 10, 1988. On September 19, 1989, a second ROD was signed indicating that the selected remedy for the rest of the site was "No Further Action". An Interim Close Out Report, signed on September 11, 1991, was written in response to the completion of the RA. The Final Close Out Report was signed by the Regional Administrator July 11, 1994. The State's concurrence was received on August 30, 1994. A Five-Year Review was completed July 8, 1994.

EPA, with concurrence of the State of Michigan, has determined that all appropriate Fund-financed responses under CERCLA at the Cemetery Dump site have been completed, and no further Superfund response is appropriate in order to provide protection of human health and the environment. Therefore, it is proposed that the site be deleted from the NPL.

Dated: January 4, 1995.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region V.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, 17, 21, 22, 23, 25, 73, 74, 78, 80, 87, 90, 94, 95, and 97

[WT Docket No. 95-5, FCC 95-16]

Streamlining the Antenna Structure Clearance Procedure and Revision of the Rules Concerning Construction, Marking, and Lighting of Antenna Structures

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has adopted a Notice of Proposed Rule Making which seeks to streamline the Commission's antenna structure clearance process by instituting a uniform registration process for structure owners, revise the current antenna structure painting and lighting requirements in keeping with updated recommendations by the Federal Aviation Administration (FAA), and make antenna structure owners primarily responsible for antenna structures that require painting and/or lighting. This action stems from the Commission's effort to streamline regulatory processes and eliminate unnecessary public burdens as well as the need to update the Commission's Rules to reflect recent changes in two FAA Advisory Circulars and the Communications Act of 1934, as amended. Thus, the proposed rules should reduce the number of Commission filings, expedite the processing authorizations involving FAA coordination, and clarify rules concerning the painting and lighting of antenna structures.

DATES: Comments must be filed on or before March 21, 1995, and reply comments must be filed on or before April 20, 1995.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Roger Noel of the Wireless Telecommunications Bureau at (202) 418-0680, or Robert Greenberg of the Mass Media Bureau at (202) 418-2720.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, WT Docket No.

95-5, FCC 95-16, adopted January 12, 1995, and released, January 20, 1995. The full text of this Notice of Proposed Rule Making is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239) 1919 M Street NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor International Transcription Services, 2100 M Street NW., Washington, DC 20037, telephone (202) 857-3800.

Summary of Notice of Proposed Rule Making

1. The Commission has initiated the instant proceeding to thoroughly review its antenna structure clearances process, eliminate unnecessary public burdens, and reduce processing time for Commission authorizations that require FAA coordination. Presently, the clearance process requires identifying the coordinates and height of each antenna structure requiring FAA notification (*i.e.*, each structure exceeding 60.96 meters (200 feet) in height above ground level or within close proximity to an airport). If the FAA determines that such a structure is a potential hazard to air navigation because of its height or location, the FAA may recommend that the antenna structure height be decreased, recommend painting or lighting specifications, or both. Thus, the current clearance process requires certain prospective licensees and permittees to file antenna structure data with the Commission and the FAA, and upon authorization, holds licensees and permittees responsible for the painting and lighting of antenna structures, where required.

2. The Commission proposes three distinct changes to the rules. First, the Commission proposes to replace the current clearance process with a streamlined procedure for registering each antenna structure which requires FAA notification. The registration process would require the antenna structure owner, not the licensees or permittees using the structure, to (1) register the antenna structure with the Commission, (2) maintain the structure's painting and lighting in accordance with the Commission's Rules, (3) notify the Commission of changes in height, coordinates, ownership, painting, or lighting of the structure, and (4) notify the Commission upon dismantling the structure. This proposed action would not impose a greater net filing burden on the public, but would instead decrease the number of entities affected by these requirements.

3. Second, the Commission proposes to incorporate by reference the recommendations found in the following two FAA Advisory Circulars: Obstruction Marking and Lighting (AC 70/7460-1H) released August, 1991, and Specification for Obstruction Lighting Equipment (AC 150/5435-43D) released July, 1988. This proposed change updates the Commission's Rules in light of the FAA's recent air safety recommendations and would grandfather the present painting and lighting requirements of existing structures for 10 years. This action would serve to streamline the Commission's Rules and increase air safety.

4. Third, the Commission proposes to implement statutory language holding antenna structure owners primarily responsible for compliance with the Commission's painting and lighting requirements. This means that the Commission would first look toward structure owners to ensure that antenna structures are painted and lighted in accordance with the Commission's Rules. In cases where reliance on the owner proves ineffective, the Commission would turn toward the tenant licensees and permittees to ensure that the structure is properly painted and lighted.

5. The Commission seeks specific comments concerning the proposed rule amendments, options for implementing the registration process, and whether the proposal may necessitate changes to the Commission's environmental rules in 47 CFR 1.1301-1.1319.

6. Initial Regulatory Flexibility Analysis. *Reason for Action.* The Commission proposes to: (1) institute a procedure to register certain antenna structures, used by Commission licensees and permittees, which require notice to the FAA of proposed construction, (2) revise the Commission's painting and lighting requirements to incorporate by reference FAA Advisory Circulars AC 70/7460-1H (August 1991) and AC 150/5435-43D (July 1988), and (3) hold antenna structure owners primarily responsible for compliance with the Commission's painting and lighting requirements.

Objectives

The Commission seeks to: (1) reduce the number of filings to the Commission regarding changes to antenna structures, (2) expedite application and notification processing, (3) unify and streamline federal painting and lighting regulations to ease the public and governmental burdens associated with processing certain application, (4) increase safety in air navigation.